

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CRIMINAL NO. 3:97CR288**

**UNITED STATES OF AMERICA** )

)

)

**vs.**

)

)

)

**SHAHBORN EMMANUEL** )

)

**ORDER**

**THIS MATTER** is before the Court on Defendant's third motion for copies of various documents, including a request for a copy of the sentencing transcript, since May 8, 2006. This motion, like the others, is denied on the same grounds.

The Defendant's conviction and sentence have been affirmed by the Fourth Circuit Court of Appeals. Further, the Defendant has exhausted his post-conviction remedies and the Circuit has upheld all of this Court's rulings in that regard. There are no current proceedings before the Court that require these documents nor has the Defendant identified the reason these documents should be furnished to him.

Federal inmates are not entitled to documents and materials at Government expense for collateral attacks on their convictions absent some showing of a particularized need. ***United States v. MacCollom*, 426 U.S. 317, 326-27 (1976); *Miller v. Smith*, 99 F.3d 120, 125 n.5 (4<sup>th</sup> Cir. 1996); *United States v. Davis*, 972 F.2d 342 (table), 1992 WL 180109 (4<sup>th</sup> Cir. 1992).** "An indigent is not entitled to transcripts at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw." ***Jones v. Virginia State Farm*, 460 F.2d 150, 152 (4<sup>th</sup> Cir. 1972).** Moreover, the Government "may constitutionally decline to furnish an indigent with a transcript until a need . . . is shown[.]" ***Id.***

**IT IS, THEREFORE, ORDERED** that the Defendant's third request for copies of the above-listed documents is hereby **DENIED**.

The Defendant is advised that if he persists in filing the same motions over and over, the Court will be obliged to institute a pre-filing review whereby no motion he submits will be filed until reviewed by the Court for a determination of its merit or lack thereof.

Signed: May 18, 2006

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

